

**REMARKS**

Claims 1-35 are pending in the present application. In the above amendments, claims 1, 6, 19, 20, 23, 24, 25, 26, 31, 33-35 have been amended. Therefore, after entry of the above amendments, claims 1-35 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

**I. OBJECTION TO CLAIMS**

Claims 1, 6, 19, 20, 23, 24, 25, 26, 31, 33-35 have been amended clarify the aspects of the claims. Applicant thanks the Examiner for the suggestions. However, Applicant feels that the amendments should clarify how the channels and sequences are orthogonal for primary channels and sequences.

**II. REJECTION UNDER 35 U.S.C. §103**

Claims 24, 27, 28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al., U.S. Patent No. 5,537,434.

Under 35 U.S.C. 103, *prima facie* case of obviousness is established when the Examiner provides one or more references that were available to the inventor and that teach a suggestion to combine or modify the reference, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to the one of ordinary skilled in the art. Also, per MPEP 2143.03, to establish a *prima facie* case of obviousness for a claim invention, all the claim elements must be taught or suggested by the prior art.

Claim 24, as amended, among other elements, now recites “obtaining an assignment of a traffic channel from a first base station, *wherein the traffic channel is orthogonal to at least on other traffic channel of the first base station.*” In rejecting this claim, examiner relies upon Persson et al., U.S. Patent No. 5,537,434 (Persson). However, Persson does not disclose, suggest or teach that *the traffic channel is orthogonal to at least on other traffic channel of the first base station.* Since, the Examiner has not provided any other references that were available to the inventor and that teach a suggestion to combine or modify the reference, the

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applicant respectfully requests withdrawal of the rejection under 35 U.S.C 103 and respectfully request an allowance of amended claim 24.

As per dependent claims 25-30, they depend from claim 24, which is believed to be in condition of allowance. Therefore claims 25 - 30 are in condition of allowance.

Claims 31 and 33-35, as amended, among other elements, now recites "...*wherein the FH sequence is orthogonal to at least one other FH sequence of the first base station.*" In rejecting these claims, examiner relies upon Persson et al., U.S. Patent No. 5,537,434 (Persson).

However, Persson does not disclose, suggest or teach that *the FH sequence is orthogonal to at least one other FH sequence of the first base station*. Since, the Examiner has not provided any other references that were available to the inventor and that teach a suggestion to combine or modify the reference, the applicant respectfully requests withdrawal of the rejection under 35 U.S.C 103 and respectfully request an allowance of amended claims 31, and 33-35.

As per dependent claim 32, they depend from claim 31, which is believed to be in condition of allowance. Therefore claim 32 are in condition of allowance.

Applicant thanks the Examiner for the allowable subject matter of claims 1-23.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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